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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,497	07/18/2000	Yu Zheng	PAT-1238-DIV	9055

7590 01/13/2004

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Tustin, CA 92782

EXAMINER

YIP, WINNIE S

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/618,497

Applicant(s)

ZHENG, YU

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 71 and 72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 71 and 72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Part II DETAILED ACTION

This office action is in response to applicant's amendment filed on October 3, 2003.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 and 71-72 are pending in the application.

Claim Rejections - 35 USC § 103

1. Claims 1-4 and 71-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price '168.

Price teaches a collapsible structure comprising a single first base panel (11) having a foldable frame members (14) being covered by a fabric material through a sleeve (92), a single second upper panel (10) having a foldable frame members (18) being covered by a fabric material (90) through a sleeve (92), wherein the second upper panel having two opposite end edges being coupled to the opposite side of the outer periphery of the first base panel by interconnecting pieces (26) such that the first base and second upper panels define an interior space therebetween, wherein, as shown in fig. 4, the end edges of the second upper panel (10) is coupled substantially parallel to the outer periphery of the first base panel which is considered to be extend beyond the outer periphery of the first base panel as claimed, and the second panel has a front edge between two opposite end edges defining an opening (98) for ingress and egress to the interior space such as a window. Although Price does not specifically define the opposite end edges (18) of the upper panel being positioned outside of the outer periphery edge of the base panel, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the tent of Price having the opposite end edges of the upper panel being

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alternatively coupled on either outside or inside of the periphery edge of the base panel by the interconnecting piece (or connector) since the frame members of the upper and lower panels being made of flexible and foldable material which would be expanded inwardly and outwardly. In addition, applicant discloses, the opposite edges of the upper panel would be alternatively positioned inside or outside of the periphery edge of the base panel as shown in alternative embodiments of Fig. 1A and Fig. 16. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with the opposite end edges of the upper panel being connected outside of the periphery edge of the base panel since Applicant has not disclosed that having the opposite end edges of the upper panel being connected outside of the periphery edge of the base panel provides an advantage, is used for a particular purpose, or solves a stated problem. Therefore, it would have been an obvious matter of design choice to modify the tent of Price to obtain the invention as specified in claim 1.

2. Claims 1-4 and 71-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLeese (D341,407) in view of Chin '961.

McLeese '407 (see attachment attached with prior art office action) teaches a collapsible structure comprising a single first base panel (A) having a foldable frame members (C) partially being covered by a material (D) through a sleeve, a single second upper panel (E) having a foldable frame members (F) partially covered by a material (G) through a sleeve, wherein the second upper panel having two opposite end edges (B) being coupled to the opposite side of the outer periphery of the first base panel by interconnecting pieces (H) such that the first base and second upper panels define an interior space therebetween, and the second panel (E) has a front

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edge between two opposite end edges defining an opening for ingress and egress to the interior space. Although McLeese does not define the opposite end edges of the second upper panel each being coupled to the outer periphery of the first base panel by an interconnecting piece that causes the opposite end edges of upper panel spaced apart and extending beyond the outer periphery edge of the base panel. Chin teaches a collapsible structure comprising an upper panel (14) and lower panels (12) each having a foldable frame member (64, 28) being covered by a respective fabric material (66, 30), wherein the upper and lower panels having edges being coupled together by a interconnecting fabric piece (see Fig. 6) such that the opposite edge edges of the upper panel (14) being positioned space apart and extending outside of the edge of the lower panel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collapsible structure of McLeese having the opposite end edges of the upper panel being coupled to the opposite edges of the lower panel by interconnecting fabric pieces as taught by Chin, as old and well known connecting concept, as disclosed by the applicant by alternative embodiment show in Figs, 1A and 16, at a location, such that the edges of the upper panel being spaced apart secured to and also extended beyond (inside or outside) of the edge of the base panel to provide an suitable interior space area as desired.

Response to Amendment

3. Applicant's argument with respect to rejections under U.S.C. 102/103, and specifically to the feature of the position of the connection of the edges of the panels has been considered. This feature was not specifically and previously claimed. Therefore, this argument is deemed to be moot in view of the new grounds of rejection.

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ACTION IS FINAL

4. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. ' 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. ' 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Winnie Yip
Primary Examiner
Art Unit 3637

wsy
January 9, 2004